

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAVID MONTALVO, on Behalf of Himself, )  
and All Others Similarly Situated, )  
  )  
Plaintiffs, )  
  )  
vs.    )    Case No. 4:03CV995SNL  
  )  
TRIPOS, INC., JOHN P. MCALISTER, )  
B. JAMES RUBIN, and )  
ERNST & YOUNG, L.L.P., )  
  )  
Defendants. )

ORDER

In accordance with the memorandum filed herein this date,

**IT IS HEREBY ORDERED** that defendants Tripos, McAlister, and Rubin's motion to dismiss (#56) be and is **DENIED**.

Dated this   30th   day of September, 2005.

  
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SENIOR UNITED STATES DISTRICT JUDGE